

## MARSHALL DIVISION

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CIVIL ACTION NO. 2:09cv387

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## ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Charles Everingham IV. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore

**ORDERED** that the petition for a writ of habeas corpus is **DISMISSED** without prejudice for lack of subject matter jurisdiction. A certificate of appealability is **DENIED**. All other motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this 10th day of February, 2010.

T. JOHN WARD  
UNITED STATES DISTRICT JUDGE